

Maria S.

IN THE HIGH COURT OF BOMBAY AT GOA

**CRIMINAL CONTEMPT PETITION NO.1 OF 2023
WITH
CRIMINAL REVISION APPLICATION NO.279 OF
2022(FILING)**

**CRIMINAL CONTEMPT PETITION NO.1 OF 2023
IN
CRIMINAL REVISION APPLICATION NO.279 OF
2022(FILING)**

B. M. Suman

... Petitioner

Versus

Shashikant Bhagavan

... Respondent

**WITH
CRIMINAL REVISION APPLICATION NO.279 OF
2022(FILING)**

Shashikant Bhagavan

... Applicant

Versus

B. M. Suman

...Respondent.

Petitioner in person.

**Ms Maria Caroline Collasso, Advocate for
Respondent.**

**CORAM:
DATED :**

**PRAKASH D. NAIK, J
25th OCTOBER 2023**

ORDER:

Heard.

1. This Contempt Petition is preferred for not complying the Undertaking given to this Court in the order dated 27.03.2023 passed in Criminal Revision Application No.279/2022(Filing). The respondent had filed revision application challenging the order dated 18.02.2021 passed by learned Additional Sessions Judge in Civil Miscellaneous Application No.2/2020 rejecting application for condonation of delay. During the course of hearing the criminal revision application, the respondent had agreed to pay Rs. 2 lakhs being part of arrears within a period of 4 months. Statement was accepted as an Undertaking to this Court. Delay was condoned and parties were directed to appear before the appellate Court. The respondent was directed to pay cost of Rs.25,000/- to be payable to petitioner.

2. The respondent filed reply to this petition and contended that payment has been made towards arrears.

3. Learned advocate for the respondent, on instructions, submitted that the entire amount towards the arrears as stipulated in the order dated 27.03.2023 has been transferred to the account of the petitioner. The petitioner, in person, submitted that the amount of Rs.2 lakhs has been transferred but, it was not clarified whether it was towards maintenance or towards the arrears and in accordance with the order dated 27.03.2023. It is further submitted that the respondent had not cleared the maintenance in accordance with the order passed by the Court of learned JMFC. Petitioner had filed an application before the same Court for recovery of the maintenance amount. Directions be issued to the respondent that whenever an amount

is transferred, it should be clarified as to on what account the amount has been transferred to the petitioner.

4. In the circumstances, the amount which has been transferred to the account of the petitioner is appropriated towards the arrears as stipulated in the order dated 27.03.2023. If the maintenance amount is due, the petitioner (wife) is at liberty to pursue proceedings to recover the amount which she has already initiated before the trial Court.

5. In the circumstances, the contempt petition can be disposed off.

ORDER

Contempt Petition No.1 of 2023 is disposed of.

(PRAKASH D. NAIK, J.